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Corporation

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

E. & J. GALLO WINERY, a California
corporation,

Plaintiff,

v.

ANDINA LICORES S.A., an Ecuadorian
corporation, and DOES 1 through 20,

Defendants.

Case No. CV-05-0101-AWI (LJO)

**JOINT STIPULATION AND ORDER
REGARDING ANDINA'S
PRODUCTION OF DOCUMENTS
RESPONSIVE TO GALLO'S FIRST
SET OF DOCUMENT REQUESTS**

**Judge: The Honorable Lawrence J.
O'Neill**

Date Action Filed: October 26, 2004

Trial Date: May 23, 2006

STIPULATION

This Stipulation is entered into and between plaintiff E. & J. Gallo Winery ("Gallo") and defendant Andina Licores, S.A. ("Andina") by and through their respective counsel.

It is hereby stipulated that Andina will provide a further response concerning the following matters in Gallo's Request for Production of Documents, Set One, and produce these documents:

1. Andina's Correspondence File for Gallo (responsive to Request Nos. 3, 6, 17, 18, and 33);
2. All Gallo related purchase order files for 2000-2004 (responsive to Request Nos. 3, 4, 6, 10, 17 and 33);
3. All documents prepared, created or generated as part of processing orders submitted to Gallo including, requests for proforma, proforma invoices, dui forms, import docs, import licenses and invoices for each order submitted to Gallo for 2000-2004 (responsive to Request Nos. 3, 4, 6, 10, 17, and 33);
4. Monthly inventory reports for Gallo (responsive to Request Nos. 5, 6, and 33);
5. Reports showing sales to Supermaxi in 2003 and 2004 as well as sales of Gallo Products to Supermaxi in 2003 and 2004 similar to exhibits 18, 19 and 20 (responsive to Request Nos. 6, 8-10, 19, and 33);
6. Sales Statistics Reports for 2000-2004 (responsive to Request Nos. 10, 16-19, 33, and 37);
7. General Statements for each year for 2000-2004 (responsive to Request Nos. 37-40);
8. Income Statements for each year for 2000-2004 (responsive to Request Nos. 37-40);

9. Forecasts prepared by Andina regarding Gallo Products (responsive to Request Nos. 6 and 33);
10. All communications relating to Health Registrations (responsive to Request No.7);
11. All agreements and communications with SGS relating to shipments of Gallo Products (responsive to Request Nos. 7 and 33);
12. Records of payments made for Gallo Products, including checks, wire transfer instructions, for the years 2000-2004 (responsive to Request Nos. 6, 17, and 33);
13. Summary of purchases made by Andina, i.e. Andina Orders to Gallo for the years 2000-2004 (responsive to Request Nos. 4, 6, 17, and 33); and,
14. Letter from Dick Moore advising that Gallo is planning on shipping direct to Supermaxi (responsive to Request Nos. 6, 19 and 33).

IT IS HEREBY FURTHER STIPULATED that such production will be made as soon as reasonably possible and be delivered to Baker & McKenzie, LLP at 660 Hansen Way, Palo Alto, California 94304, but shall be made no later than March 27, 2006.

Dated: March ____, 2006

Respectfully submitted,

BAKER & MCKENZIE LLP

By: _____

Keith L. Wurster
Attorneys for Plaintiff
E. & J. GALLO WINERY

Dated: March ____, 2006

Respectfully submitted,

BORTON PETRINI & CONRON

By: _____

Sean T. O'Rourke
Attorneys for Defendant
ANDINA LICORES S.A.

(EXECUTED SIGNATURE PAGE FILED HEREWITH AS ATTACHMENT 1)

ORDER

The court having considering the stipulation above and good cause appearing therefore, it is hereby ordered that Andina provide the further responses and document as forth in detail above, to Baker & McKenzie, LLP at 660 Hansen Way, Palo Alto, CA 94304 no later than March 27, 2006.

IT IS SO ORDERED.

Dated: March 15, 2006
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE